IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 22ND NOVEMBER 2006 / 1ST AGRAHAYANA 1928

Crl.Rev.Pet.No. 4080 of 2006()

CRA.725/2005 of ADDL.SESSIONS COURT (ADHOC)-II, KOTTAYAM
CC.226/2004 of JUDL. MAGISTRATE OF FIRST CLASS, ERATTUPETTA

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REVN. PETITIONER/ APPELLANT/ACCUSED:

GEMINI MATHEW, PROPREITOR,
GWALIAR FILMS, PULIYANNOR P.O., PALA.

BY ADV. SRI.P.C. HARIDAS

RESPONDENTS/RESPONDENTS/COMPLAINANT & STATE:

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1. T.P. GANESH, ASHA SADAN,
VAGAMON P.O., VAZHIKKADAVU, TEEKOY.

2. STATE OF KERALA, REPRESENTED BY
ITS PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

R1 BY ADV. SRI.V.A. AJAI KUMAR
R2 BY PUBLIC PROSECUTOR ADV. SHRI KAMMAPPU.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 22/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

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CRL. R.P. 4080 OF 2006

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Dated this the 22nd November , 2006

O R D E R

The petitioner was convicted for the offence under section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for one year and to pay compensation of Rs.2,65,000/- to the complainant and in default of payment of compensation to undergo simple imprisonment for six months . The petitioner/accused challenged the conviction and sentence in appeal. The appellate court confirmed the conviction and sentence.

2. Crl.M.A.No. 11726 of 2006 filed by the petitioner and first respondent seeking permission to compound the offence is allowed.

In the result, the conviction and sentence imposed against the petitioner are set aside and he is acquitted under section 320(8) of the Code of Criminal Procedure.

K.T. SANKARAN,
JUDGE.

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K.T. SANKARAN, J.

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CRL.M.A. NO. 11726 OF 2006
IN CRL. R.P. 4080 OF 2006

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Dated this the 22nd November , 2006

O R D E R

This is an application filed under section 147 of the Negotiable Instruments Act seeking permission to compound the offence under section 138 of the Negotiable Instruments Act. The application is signed by the revision petitioner/accused as well as the first respondent/complainant and their counsel. It is stated in the application that the dispute between them is settled. The application is allowed.

K.T. SANKARAN,
JUDGE.

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